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EXTRACTS

FROM THE

SECOND REPORT

OF

[WILLIAM CRAWFORD AND WHITWORTH RUSSELL, ESQS.,]

THE

INSPECTORS OF PRISONS

FOR THE HOME DISTRICT;

ADDRESSED TO THE

RIGHT HONOURABLE THE SECRETARY OF STATE FOR THE HOME DEPARTMENT.

BY AUTHORITY.

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EXTRACTS

FROM THE

SECOND REPORT

OF THE

INSPECTORS OF PRISONS

FOR THE HOME DISTRICT.

TO THE RIGHT HON. THE SECRETARY OF STATE FOR THE HOME DEPARTMENT.

Raymond Buildings, April 7th, 1837.

My Lord,

In preparing our Second Annual Report, which we have now the honour of presenting to your Lordship, we have thought it our duty, before proceeding to report upon the prisons connected with our own District, to submit to your notice our observations upon those particular subjects to which your Lordship has been pleased to direct our special attention.

In pursuance of this arrangement, we beg leave, in the first place, to lay before your Lordship our observations upon that system of prison discipline which is denominated "*The Silent System.*" In the course of our inspections and inquiries, during the last year, we have had numerous opportunities of observing that System in operation under all the various circumstances which have the effect of obstructing or of facilitating its action, and which, therefore, have afforded us the means of making that full and complete investigation of the subject which your Lordship requires at our hands; and, as the advocates of this System maintain that it successfully disputes the claim to preference with "*The Separate System,*" we deem it our duty to submit to your Lordship such facts and inferences as have led us to an opposite opinion. We are prepared to show that the Silent System, originating in a

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deep conviction of the great and manifold evils of gaol association, and designed to guard against those mischievous consequences which attach to it, is cumbrous and intricate in its construction, inadequate to the purposes which it contemplates, and dependent for its successful working upon circumstances which can neither be universally secured nor relied upon; that, besides its good qualities, it has others which are pernicious or useless; and that, while its excellencies are contingent and accidental, its defects are necessary and inherent.

In expressing ourselves thus strongly, we beg that we may not be understood as designing to impeach the motives of those who advocate this System. We believe that they are influenced by an anxious desire to save the Criminal from the alarming evils of gaol contamination; and that, in compassing this most desirable and necessary end, they have been led to the adoption of their plan by benevolent motives. Nevertheless, we feel satisfied that, even to them, we shall be able to impart that conviction of its unfitness, which attentive observation and reflection have produced in our own minds; and we moreover persuade ourselves that, upon a closer examination of the system, they will be led, by those motives of humanity which dictated its adoption, to repudiate it, as inflicting upon the prisoner much severe and needless punishment; namely, the interdiction of intercourse under circumstances which render the inhibition peculiarly oppressive, and which arm the temptations to violate it with more than usual force.

We believe that the strong expressions in which witnesses who have been examined by Parliamentary Committees have enounced or recorded their admiration of the merits of the Silent System are imputable to a view of the question which does not necessarily involve the pre-eminence of that System, or a solid conviction of its intrinsic excellence;—that view we conceive to resolve itself into a *comparison* of the Silent System with the present most mischievous plan of gaol association. No well-regulated mind, indeed, could contemplate the dreadful evils which attach to this last-mentioned plan, without feeling instinctively impelled to embrace any measure by which such evils might be avoided; and we are confident that it is owing to such a commendable feeling as this, that the advocates of the Silent System have permitted themselves to be hurried, with rather too great precipitation, into the adoption of a plan which, though upon a superficial view it may appear to possess many advantages, is pregnant with evils of which we are certain that its advocates are either unconscious, or of which they have not formed an adequate conception. Under these circumstances we have felt ourselves bound, no less by our

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unfeigned respect for the motives of those who maintain the superiority of the Silent System than by our sense of the importance of the interests involved in the subject, to examine it carefully and impartially, in all its bearings, and in every point of view; to scrutinize minutely the whole of its complicated machinery; to witness its operation, and to register faithfully its effects. All this, my Lord, we have done heedfully and repeatedly, and under such circumstances as were calculated to afford us the clearest and most complete insight into the nature of the subject. We feel persuaded, therefore, that your Lordship will do us the justice to believe that we do not approach the discussion of this question without great and careful consideration; that we have impartially weighed its merits, as well as its defects; and that the conclusion at which we have arrived is based upon evidence at once extensive and incontrovertible.

We say, in the first place, then, that so far as the prevention of intercourse is concerned, the Silent System is not efficacious. If it be granted that communication may be carried on by *signs*, or in a subdued tone of voice, then it is in evidence that this System does not and cannot prevent such intercourse. The difficulty of enforcing the prohibition of intercommunication under this System is felt and acknowledged by some of its warmest advocates. The objection which this fact involves appears to us to be fatal to the whole measure; for let us consider for a moment the effect which this abortive attempt at securing a main object of the System must necessarily have both upon the prisoners and upon the numerous Monitors and Wardsmen employed to enforce it. Upon the former, the persuasion of the obvious fact, that communication cannot be prevented, will operate most prejudicially; it will act at once as a constant spur and a premium to their ingenuity, which will have abundant scope to exercise itself amidst the multiplied and perplexing engagements of the Monitors. We ought to bear in mind, likewise, the adroitness and tact which the human mind and frame gradually, but surely, acquire by practice, when the man is impelled by necessity or by strong inclination; both of which are known to enable the agent to accomplish purposes which, to himself as well as to others, had appeared to be utterly unattainable. The truth of this is demonstrated by the following among other remarkable facts, that in the prison of Coldbath Fields, in which the Silent System is believed to be brought to the greatest degree of perfection, under the management of a highly intelligent and able Governor, who has at his command every possible advantage for working the System, there were in the year 1836 no less than 5,138 punishments "for talking and swearing."

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Now, my Lord, if, under circumstances so favourable to the Silent System,—in prisons upon which the public eye is more especially fixed, which are perpetually visited by a vigilant Committee of Justices, are under the care of excellent keepers, are superintended by active and trustworthy officers, assisted by monitors and wardsmen who are selected from the most active and intelligent class of prisoners in the whole kingdom,—we say, if, under such favourable circumstances as these, the Silent System fails to the extent indicated by the circumstances and by the number of punishments which we have stated, what must be the working of the plan in other prisons, where such advantages are not only not to be had in combination, but where, as will sometimes happen, not one single advantage of the kind can be calculated upon or secured?

It is impossible to convey to your Lordship an adequate idea of the successful dexterity in fraud and artifice in which this System has been the means of training the prisoners; and, if once it were to become fixed and general by authority, we do not hesitate to say that we defy the most vigilant and zealous superintendence to defeat the contrivances which the prisoners would employ to baffle it. Now, while the prisoner's mind is thus either occupied with attempts to elude the vigilance of his monitor (attempts which, from the very nature of the case, must often prove successful), or amused by watching and secretly applauding the attempts of others, can it be believed that, under such circumstances, his mind can receive any salutary impression of the penal nature of his condition, or have inclination or opportunity for self-examination or reflection?

But the necessary effect of this System upon the wardsman and monitors is no less to be deprecated. From the foregoing observations, some notion may be formed of the incessant demand which the nature of his duties imposes upon the watchful vigilance of the monitor; that vigilance he knows is not always effectual; and he must be aware that, in spite of his utmost efforts, the prisoners will be able to elude it. Now is it unlikely that, seeing the impossibility, with all his exertions, of preventing communication, he should at times, from absolute weariness or despair, relax a watchfulness, the most painful stretch of which he sees to be unavailing? And yet it is upon the equable and uninterrupted maintenance of this vigilance, wound up to the highest degree of tension, that the advocates of this System rest their persuasion of its efficacy.

But let us suppose this difficulty on the part of the monitors surmounted, and that every violation of the rules enjoining silence is promptly followed by detection and punishment: it is obvious

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that this must excite in the minds of the prisoners a feeling of irritation and resentment towards the monitor, which must add materially to the difficulties of his arduous duty. We have repeatedly found that, under this System, prisoners eagerly seek occasion to bring accusations against the monitors; and that the adjudication of these charges is productive of much trouble and consumption of time to the Governor, who, in the case of Coldbath Fields, has every morning, on an average, no less than 60 reports to inquire into and decide, upon extensive, perplexing, and questionable evidence.

But it will be said, perhaps, that an approximation to the maintenance of absolute silence is all that is designed or expected; and that this is a great improvement in prison discipline. We are ready to concede to the Silent System whatever praise its advocates claim for it as a successful mode of escaping some of the frightful evils of gaol association; but we must be permitted to examine the means which it professes to employ, before we can feel ourselves warranted in recommending it for general adoption; because, if these means be subject to grave and insurmountable objections, it then becomes a question whether we cannot discover some other mode of proceeding, by which equal or greater advantages may be secured, without incurring the evils which attach to the system in question.—The warmest advocates of the Silent System admit that they cannot carry it into operation without the constant employment of means which are obviously adverse to the spirit of the Constitution, and to the first principles of substantial justice. They confess that they must be permitted to inflict punishments for every detected violation of the rules. Now, of the average amount of such punishments your Lordship will be enabled to form a just estimate, from the statement which we have given respecting the House of Correction at Coldbath Fields; from which it appears that, in the year 1836, the punishments "for talking and swearing," without reckoning those which have been inflicted for other prison offences, and which amounted to 6,794, averaged about 12 per diem. Nor is the nature of those punishments less objectionable than their frequency. They consist in reduction of food, or in confinement in dark and ill-ventilated cells; both of which have such a tendency to impair the prisoners' health, that the Governor has thought it necessary to reduce the punishment to a degree that impairs its efficacy. Nevertheless, the prisoners persevere in counterfeiting ill health; and, for the purposes of carrying on the deception, they frequently resort to practices of an abominable and revolting nature. Here, then, my Lord, is one punishment, or, to speak more correctly, here are many punishments, superimposed upon that to which the

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prisoner was originally sentenced, who is thus oppressed by sufferings and privations beyond the awards of law. The prisoner sees that the privations which occasion him most discomfort are not the punishments to which he has been legally sentenced: hence arise mental irritation, a sense of injustice, a forgetfulness of his offence, and an unconsciousness of his guilt, which effectually close every avenue by which admonition might reach his mind, and render hopeless and unavailing the efforts of the Chaplain. But your Lordship will observe that the whole tendency of the Silent System is to prevent this impression from being made, or speedily to efface it. Whatever may have been the *original* and *legal* sentence of the prisoner, it is merged and lost in the number and weight of the sufferings to which the System subjects him; and, so far from discerning in these the presence and agency of the law, and the effect of his own misconduct, he sees and feels nothing but the perpetual operation of vexatious regulations, enforced by individuals whom he knows to be as guilty as himself (if not more so), and who, as we have seen, are sometimes tempted to exercise their trust in a way little calculated to reconcile the prisoner to the rules of the gaol, the reason and expediency of which he can seldom understand or recognise. In short, the law and the legally awarded punishment are thrust out of sight by a number of ill-judged and annoying exactions, which, instead of humbling and reclaiming, are fitted only to exasperate and provoke.

We have before stated that the evils of association are those especially against which the advocates of the Silent System persuade themselves that it effectually protects the prisoner. But this expectation will prove, upon inquiry, to be exceedingly delusive. Some startling facts have been repeatedly brought under our notice, which leave no doubt upon the subject. We have been informed, upon good testimony, that the prisoners, from being associated together so long in the same room, contract an acquaintance which it needs only the moment of enlargement to ripen and confirm; so that, when discharged together, as they are daily, in great numbers from large prisons, they coalesce in companionship, which cannot so correctly be said to be commenced, as continued and established. Here, then, at the very gate of the prison, we have the evil of gaol association: offenders, well acquainted with each other by sight, and having had numerous opportunities, whilst in confinement, of discovering each other's inclinations, habits, and characters,—all points which they are not slow in discerning,—may meet together on their discharge, and devise such plans for future depredations, as their previous

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knowledge of each other suggests to them the facility of carrying into effect.

But there is another evil, inherent in this System, which will tend more effectually to secure its condemnation. We allude to the employment of prisoners, as Wardsmen and Monitors, to aid in carrying it into operation. This practice (an unavoidable one under the System in question) is directly opposed to every principle of justice. Is a culprit, probably the greatest delinquent within the prison walls, probably the most ingenious villain, the most finished hypocrite, certainly one of the most guilty in the eye of the law (for it is only from those whose term of imprisonment is long that such agents are selected),—is this man to be released from the condition of a criminal suffering for his offences, and placed in a station which invests him with authority, which is every moment felt, over his fellow-prisoners, every one of whom is perhaps less stained with moral turpitude than himself? Is he, in defiance of the common dictates of justice, to be raised from that penal degradation and discomfort to which his misconduct has subjected him, to which the law has sentenced him, and which the interest and violated rights of society demand that he should feel? In confirmation of this reasoning, we find it stated by the Governor of the Westminster Bridewell, "that the oldest thief makes the best monitor." Thus does this plan, by an inversion of justice, set itself against the law, since it elevates the condition and mitigates the punishment of those especially whose guilt is greatest, and whose sentences are most severe.

Some notion may be formed of the extent to which this unjust principle must prevail under the Silent System, from the fact that, in Coldbath Fields Prison, containing on an average 900 prisoners, no less than 218 of them are removed from the operation of the law and the endurance of their punishment, by being appointed to offices of trust or authority: besides these 218 prisoners, there are 54 regular officers; so that here we have 272 persons appointed to superintend 682 prisoners (i. e. 900 *minus* 218 who have appointments), being in the ratio of one officer to 2½ prisoners,—an exorbitant proportion. And yet, even with all this supervision, the System, as we have seen, remarkably fails; its failure being witnessed no less by the number of punishments for violating its leading principle, Silence, than by the number of recommittals, which, in the year ending September 1836, amounted in Coldbath Fields to 2,795, and in the Westminster Bridewell to 1,610. The inefficacy of the prison punishment is proved by this, that since the introduction of the System they have gone on increasing:—"The punishments" (says the Governor of the Coldbath Fields House of Correction) "are decidedly insufficient

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to keep up the discipline;" "they will not deter." "Some efficient punishment is sadly wanted." "Punishments have certainly increased since the Silent System was introduced." "Punishments are more frequent now than when we began the System."*

This intelligent Governor also says that he is much discouraged at times by circumstances of the following nature:—After he has taken pains in instructing an individual for the purpose of qualifying him to be an officer of the prison, he finds all his labour lost, by the person so instructed feeling alarmed at the arduous nature of the duties, and declining to undertake them. The Governor further states, in reference to his selection of fit and proper persons to serve as monitors, &c., that in order to make that selection he must rely in a great measure upon the knowledge and recommendation of the turnkeys, a circumstance which affords scope for patronage, and has a tendency to produce serious evils; that, in order to keep the monitors up to the performance of their duties, it is necessary to receive reports against them from prisoners; and yet those prisoners have a direct interest in removing monitors from their office, and in some instances have made false accusations with that object; that, when extensive sickness prevails, it causes amongst the officers the greatest "distress;" and yet that is an occasion when their most active co-operation is most required, for the prisoners then become overwhelming in their complaints, and the difficulties then increase a hundred-fold; that punishment by the reduction of food is one of the most powerful agents employed in working the System, and yet that it cannot, without the greatest discretion, be carried far enough to deter, without injury to health; that, in short, he punishes generally to the extent of the law, and yet the punishments do not act as a preventive, and are insufficient to maintain the discipline.†

But the amount and severity of punishment involved in the Silent System is not felt chiefly by the *convicted* prisoner: it falls with yet greater weight upon the *untried.* From the novel character of the System, from the multiplicity as well as trifling nature of its regulations, some time must necessarily elapse before the recently committed prisoner can be made acquainted with them: the consequence of this is, that the earlier portion of the prisoner's confinement, that too which precedes his trial, is the most irksome and vexatious. His thoughts and attention must be occupied in acquiring a knowledge of the rules, and a readiness in practising them; or else in undergoing the various punishments to which his ignorance, his inadvertence, or his stubbornness exposes him.

* Report on Coldbath Fields House of Correction, Part II. † Ibid.

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And this is the condition of a prisoner still innocent in the eye of the law, and whose thoughts should be as composed as possible, that he may be able to make the necessary preparation for his approaching trial! That the untried prisoner is subjected to a greater proportion of suffering than the convicted we found instanced in one prison, where 90 untried prisoners were visited with 224 punishments; while 236 convicted prisoners were visited with 574 punishments.

In some prisons the Governor's jealousy of the monitors' fidelity is so great that he encourages the prisoners to report them; and such is the revengeful spirit produced by this practice, that, occasionally, the efforts of the Governor to protect the monitor have been unavailing. Instances of the evils here adverted to came under our own observation in the course of our inquiries. At *one* prison a man, who had filled the office of monitor under the Silent System in *another* prison, was so persecuted by his fellow-prisoners, that the Governor, unable otherwise to protect him, was obliged to remove him to a separate cell, as the only means by which he could shield him from the vengeance to which his conduct as monitor exposed him from those over whom, in the discharge of his duty, he had previously, and in another prison, exercised authority. In another gaol, which is also managed on the Silent System, a prisoner, in our presence, in a fit of resentment, produced, as he said, by the irritating regulations of the prison, threatened to take the life of the monitor who had reported him, when he should regain his liberty; and the same monitor subsequently, in our hearing, appealed to the Governor for his protection. In another instance we found a case which strongly exemplifies the evil above adverted to—of punishing a prisoner by the reduction of his diet. A prisoner confined in a dark cell complained to us of the injury he had sustained in his health by the frequent stoppage of his food, and by close confinement in unwholesome cells, upon only half a pound of bread per day, for violating the prison regulation of silence; and this man, who said that, on his admission to the prison, he was stout and healthy, was now reduced to a mere shadow, and was so exasperated by what he could not be made to regard as just treatment, that he vowed vengeance against those he called his tyrants, whenever he should be restored to liberty. Nor is this evil likely to be mitigated by the line of conduct which the System almost requires the monitors to pursue; for the authorities of the gaol often measure the attention and fidelity of their agent by the number of his reports against prisoners; so that, as we were informed, the monitor, to secure his place, is sometimes led to make false and groundless charges, in order to attest his diligence.

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Whatever punishment may be inflicted upon a prisoner, he ought to be led habitually to regard it as the desert and consequence of his guilt. This alone, seconded by the well-directed efforts and admonitions of the Chaplain, can work in the culprit a just feeling of penitence, or a stable resolution of amendment. Our own observations and experience, throughout the whole course of our inquiries respecting prison discipline, impress upon us the conviction that a prisoner, on entering a jail, and during the whole period of his confinement there, ought to have nothing less to look forward to than the full endurance of his sentence. Let it not be alleged that we thus advocate a principle which is unjustifiably rigorous and uncharitable. In a case like this we must look to general, not to particular, consequences. If the result of this stern regulation be that one prisoner here, or another there, is not encouraged to assume an improved demeanour, or a more quiet temper than he would otherwise have exhibited, we maintain, on the other hand, that this disadvantage is more than counterbalanced by the extensive and permanent benefits which must flow from a more just and inflexible regulation: and we feel bound to declare to your Lordship that the employment of prisoners as sub-officers, in any post of authority, or upon any pretence whatever, is a practice which is not only adverse to every principle of justice, but is proved to be mischievous, by the testimony of those who are best qualified to pronounce an opinion upon the question.

But, in the next place, if this practice of employing prisoners as officers were otherwise unexceptionable, still the necessary dependence of the working of the System upon their services is attended with consequences of the worst description. The necessary qualifications of wardsmen and monitors are said to be (besides an ability to read and write and cast accounts) *alertness, temper, vigilance, firmness, industry, habits of obedience, and moral integrity:* and these habits are to be sought for in the inmates of a prison, and, in some cases, in prisoners who have been recommitted! Your Lordship will observe how fatal to the System is the objection which this necessity involves. The System itself professes to derive its excellence from the maintenance of silence—silence can be maintained only by the employment of fit and trustworthy officers,—the greater number of those officers must be selected from the prisoners,—but their qualifications are such as necessarily forbid the hope of finding them amongst such characters. So satisfied are we of the insuperable difficulty of the case, and so ready are we to take our stand upon the objection which it involves, that we feel more than ordinary anxiety to state the question fairly and impartially, and to allege nothing

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that is not borne out by facts that cannot be disputed, and by testimony to which no exception can be made. So important, so essential, is the union of those qualifications deemed, that the absence of any one of the number, in the case of a monitor, is injuriously felt throughout the whole department. If the monitor's attention flag, if his eye be withdrawn, if his back be turned but for a moment, that moment is seized with the utmost promptitude by the prisoners, who can convey and receive information in the twinkling of an eye. The consequence of one failure in duty is that the prisoners are encouraged to watch for another: they applaud their own ingenuity, they exult in the frustration or perplexity of the officer, and sharpen their wits by the constant exercise which these circumstances afford of inventing and practising devices to overreach the monitor. Is this a frame and posture of mind in which the advocates of this System would desire to see the prisoner perpetually indulging? Is this a proper discipline for reflection and self-examination? Is the prisoner, when emancipated from such a training as this, likely to prove a better member of society than before his imprisonment? or is he likely, while under a regulation so calculated to generate and keep up a perpetual ferment in his mind, to attend to, or reap any advantage from, the exhortations of the minister of religion? This view of the question is deserving of serious consideration. Every principle of policy and humanity, all the experience and observation of those who are conversant with the subject of prison discipline, tend to prove that the interests of society are deeply concerned in the proper moral training of those whose punishment consists of imprisonment for any limited time. Society, indeed, expects that the terror of the law and of imprisonment, together with proper discipline and instruction, will operate as a protection to the prisoner, and to the State itself, against a repetition of the offence. But is this persuasion justified by the Prison Reports? What is the fact which all such evidence tends to prove but this, that the chance of any prisoner returning to or adopting an honest course of life is almost nothing? How is this? We charge a large portion of this alarming evil to the existing systems of prison discipline, from which no other fruits can reasonably be looked for.

But if, as is manifest, it be impossible to procure officers and monitors possessed of these extraordinary endowments, moral, mental, and physical,—if the upholders of this System must be satisfied with one who may betray his trust, with another who may be incompetent to his duty, and with a third who may prove false to his important obligations,—how incalculable are the evils which must result!

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There are other objections to the System; and, amongst these, we find it stated by the Governor of Coldbath-Fields House of Correction, that the marching and countermarching of the prisoners, and the frequent musterings of them in the yards, occupy nearly two hours daily. This not only involves a great and wasteful expenditure of time, breaks the continuity, and unduly mitigates the severity, of the punishment, affords frequent and easy opportunities of intercommunication, but also exposes the prisoners to such sudden variations of temperature, and to so much inclemency and wet, as have proved to be seriously detrimental to their health.

Another objection to the System is the impossibility of making it consistent with the purpose at which the Legislature is now earnestly aiming—the establishment of a *uniform System of Prison Discipline* throughout the kingdom. The severity of punishment will depend, of course, upon the strictness with which the discipline is administered; and this must inevitably vary with the characters of the respective Governors. Where the Governor is conscientious and judicious, and constantly has officers upon whom he may implicitly depend, there the System will appear to work well, because it is well worked; the praise, in truth, will be due, not to the System, but to the individuals by whom it happens to be well administered. But what is to be looked for where the case is the reverse of all this; where the Governor is devoid of judgment and diligence, and the monitors are incompetent and unfaithful; and where the visits of the Justices are unfrequent and expected? In our discussion of this question we have never lost sight of the great principle—that it is designed, in whatever measures are adopted by authority respecting prison discipline, to legislate for the whole kingdom; that the enactments are to extend their influence, and to be felt, whether for good or for evil, in places the most remote from public notice, as well as in those upon which the public eye is intently and constantly fixed: that, consequently, the defects of the System will, *in the Metropolitan Prisons*, be in a great degree remedied by the exertions of those who administer it; stimulated by the desire of public commendation, or by the dread of public rebuke; while, on the other hand, in places where this extraneous influence is not felt, or is but feebly exercised, the evils of the System will be felt in all their force, disappointing the public expectations, exposing the imperfections of the law, inflicting upon the prisoner uncalled for and gratuitous suffering, and rendering necessary an entire change of System, after a lapse of time, and a fruitless expenditure of money.

If the sole end at which a good system of prison discipline

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should aim were to prevent, by whatever means, the prisoners from *audibly talking with each other*, we should say that the Silent System had not been wholly unsuccessful: but if, in securing this end, the means are proved to be ill devised, harsh, and of uncertain efficacy; if, while the prisoner is forbidden to articulate *sounds* (which, however, we have shown he can do even under the Silent System), he has opportunities of making and exchanging significant *signs;* if, by a system of refined penal *surveillance*, his mind is kept perpetually on the fret, and drawn from the contemplation of his own conduct and condition to the invention of devices for defeating his overseers, or for carrying on a clandestine communication with his fellow prisoners, deriving no benefit in the mean while from the offices of religion, nay, converting the most solemn of his religious offices into an opportunity of conversing with his fellows, or, as has come under our cognizance, of indulging in the most revolting and disgusting indecencies,—then we say that the successful interdiction of all oral intercourse is dearly purchased indeed, and that all hope of the prisoner's moral amendment must be abandoned.

But, to make the largest concessions we can, for the purpose of discussing, with all possible fairness and indulgence, the merits of this plan, let us admit that it is efficacious, that complete silence is actually enforced, and that all hope of intercommunication is totally cut off from the prisoners; still what a cumbrous, complicated piece of machinery does the whole system exhibit, and how soon and how frequently are its movements liable to be deranged or stopped! Let your Lordship imagine the whole in full play; its officers and monitors diligent, alert, watchful, honest; every man and every thing in proper place and operation: suddenly an officer or monitor becomes sick, or is called away, or refuses to work (all cases that are constantly occurring); a substitute is not immediately to be found; the Governor is called from his peculiar duties to provide one; the monitors are perplexed; the impediment is felt throughout the whole department, and some time must elapse, and many abuses and violations of the numerous rules occur: these abuses must be rectified, and these offences must be visited with punishment, before the machinery is again put into action, to be again disturbed by similar impediments, and to be followed by similar inconveniences. And all this intricate machinery is constructed—for what? For the purpose of overcoming difficulties which the authors of it have themselves created. They assemble together social beings, interdict communication between them, and then punish them for yielding to that most powerful of human impulses,—the desire of interchanging thought with those with whom they are compelled to associate.

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Here is a difficulty contrived with perverse ingenuity, as if merely for the purpose of overcoming it; and when it fails, as it must perpetually, the System revenges itself upon the prisoner for the remissness of the officer.

These remarks with reference to male prisoners apply, and with still greater force, in the case of females, among whom the difficulty of procuring women qualified to act as monitors is confessed by all the prison authorities who have the management of those jails in which the Silent System is enforced.

We have elsewhere expressed our opinion respecting the inexpediency of permitting intercourse between prisoners, inasmuch as it leads to *recognition*—an evil which grows out of the Silent System to as great an extent, though not with so much facility, as under the old plan of prison association. We propose to consider this evil under three different aspects: *first*, as it affects an innocent man; *secondly*, as it affects a criminal, who, from a sense of guilt, is led to penitence and resolutions of amendment; and, *thirdly*, as it affects a culprit who is determined to continue in his course of crime.

In the first place, it will be at once apparent that a man unjustly accused, able to establish his innocence, and discharged without a legal stain upon his character, may receive an unmerited and incurable wound in his reputation from the mere circumstance of his being associated for a period, however short, with companions of vicious habits and tainted morals, and being subsequently recognised by them. The extent of this evil may, in some measure, be estimated by considering the deep and overwhelming anguish and dismay with which a person of unblemished character, however humble in station, contemplates his committal to prison. And may not the fair fame of any person be blasted for life, and his relatives and friends cruelly and irreparably wounded in their character and feelings by such an event? In urging the necessity of shielding an innocent member of society, as far as is practicable, from an evil so dreadful as this, we are not more powerfully supported by the dictates of reason and humanity, than by the very spirit of the law itself, which guards with great and justifiable jealousy the rights and feelings of innocence. We ask nothing more than that the proceedings of the law may, in this case, be conformable to its spirit, and that all possible care be taken by the State to protect the party that is free from guilt from needless association and recognition, and from the infliction of a wrong for which no atonement can be made.

We will next consider the evil of recognition with reference to its effects upon a prisoner who may be led or inclined to repent of his guilt, and to resolve upon an honest course of life. Whether

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the man really repents, or feels an inclination to return to honest courses, or to listen with serious attention to the admonitions which he may have received, this evil will operate upon him with a disastrous influence. In the former case, by steady perseverance in the path of industry and honesty, he may succeed in gaining the character of a useful member of society; but he will live in constant apprehension of having his good name suddenly and irremediably forfeited by the recognition of an abandoned fellow-prisoner, who may be tempted to expose the past delinquencies of the penitent, of whom, but for the previous acquaintance in prison, he might never have had the slightest knowledge. In the latter case, the mischief is not less prejudicial or less to be deprecated; for the liability to subsequent exposure must act as a great discouragement to reformation: it has a tendency to repress the very rudiments of virtuous resolution in the individual; and thus he is discouraged by the consciousness that he is surrounded by witnesses of his disgrace, who would feel no obligation to abstain from spreading the report of his former guilt to his disadvantage or his undoing.

We are further to consider the injurious effect which recognition must have upon a criminal who is resolved to persevere in his course of guilt. It is plain, from what we have already said concerning the nature of the Silent System, that it takes no effectual steps to prevent communication between the prisoners;—that acquaintance by sight may ripen, in time, into intimacy and companionship after discharge from prison;—and that the very working of the discipline is fitted to call forth those qualifications and capacities by which associates in criminal adventures are best recommended to each other—ingenuity, dexterity, and aptitude for the accomplishment of deeds of fraud. We say that here, too, no less than in the two former cases, it is of importance to prevent recognition, and all the causes which contribute to produce it. The separated, isolated villain is comparatively innoxious; it is combination—concentration of force, talent, and artifice—that renders wickedness formidable to society: and this combination is effected, consolidated, and organized, within the walls, or at the very gate, of the prison, more than anywhere else.

The arguments against *recognition* appear futile to some:—to us they seem to be entitled to a larger share of public attention than they have hitherto attracted. It is said that, with every possible care, and by every possible expedient, we shall in vain attempt completely to prevent recognition. Be it so: are we, therefore, to make no attempt whatever to prevent it? Besides, when we are told that the very circumstances of a prisoner's committal, his intercourse with his legal advisers, his examination

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before magistrates, his trial in open court, all necessarily involve recognition, we answer, that this is true: but by whom is the prisoner then recognised? That portion of the public who may be present at the examination or trial see the Accused but once, and for a short period; it is unlikely, then, that they should recognise him at any future time; but the police, the officers of justice, who, from duty and habit, mark the features and deportment of prisoners under such circumstances, and whose business it is to arrest offenders in their career of crime, would, upon occasion, readily recognise such a character. Contrast this with that which takes place in a prison: where, instead of being subject to the recognition of those whose duty it is to restrain from the commission of crime, the prisoner is familiarly known by those who will encourage and assist him in it. Thus the former recognition in open court is advantageous to the public; whereas the latter is mischievous both to the prisoner and to society at large.

Thus does it appear, my Lord, that the Silent System not only fails in attaining those important ends at which it professes to aim, but is also open to grave and serious objections with reference to the means which it thus unsuccessfully employs. It fails in its attempt to prevent intercourse between the prisoners. It is forced to inflict punishments, for the purpose of commanding obedience to its numerous and perplexing regulations:—these punishments are carried to an extent which its advocates do not attempt to justify:—it does not protect the prisoner from the evils of jail association;—by the employment of prisoners as wardsmen and monitors, it, in a great measure, remits the prisoner's legal penalty, and affords admission to abuses and irregularities of a dangerous character:—its restrictions fall with excessive and undue severity upon the untried prisoner, who, in reason and justice, ought to be less rigorously dealt with than the convicted offender:—it excites irritation of mind, and, in many cases, vindictiveness of spirit, in the prisoners:—it is, from the impossibility of rendering its operation equable and uniform, utterly unfit for general adoption:—it is complicated and cumbrous in its construction; apt to be constantly deranged in its movements; and requires, for its efficient working, a degree of watchfulness and vigilance which is shown to be unattainable, even under the most favourable circumstances:—and finally, it does not even contemplate the adoption of any means by which the evils of *recognition* can be prevented:—evils which we have endeavoured to show are neither imaginary nor light.

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"THE SEPARATE SYSTEM."

That much difference of opinion should prevail in this country, as to the character and effects of the Separate System, ought to excite neither surprise nor regret.—The change proposed to be introduced by that System is far too extensive to be adopted without much consideration; and we feel assured that nothing will more effectually tend to its ultimate success than the full discussion and examination of the question in all its bearings. We feel a strong conviction that the objections which have been raised to the System are founded on imperfect information—that these misconceptions will be removed by further inquiry; and that, so far from being fraught with the injurious consequences which have been erroneously imputed to it, Separate Confinement will eventually prove to be based on humane and enlightened principles, and the most efficient plan which has hitherto been devised for the government of prisons.

And first—in regard to the application of the System to the Untried. None can feel more strongly than ourselves the importance of upholding those rights which distinguish the treatment of an *untried* from that of a *convicted* prisoner. Safe custody is the sole object of imprisonment before trial, nor has society a right to embitter that imprisonment by circumstances which unnecessarily aggravate the loss of liberty, and annex severities not contemplated by law. The prisoner is not only entitled to pure air, wholesome and sufficient food, protection from cold, opportunities for exercise, and whatever may be necessary to the preservation of his health; he is not only entitled to consult with his legal adviser, communicate with his friends, and receive other reasonale indulgences; but he is entitled to claim exemption from the society of those whose company is calculated to injure his morals, outrage his feelings, and debase his character. A general conviction of these truths, at least so far as they relate to health and bodily welfare, has, of late years, led to many useful reforms in the condition of our prisons, and of our county gaols: there are happily but few against which any just grounds of complaint, in this respect, can now be fairly made. But, highly as we value these improvements, we are bound to state that the great moral evils of imprisonment remain to this day in vigorous operation. The individual committed for trial, whom the laws presume to be innocent, is even now compelled to associate with delinquents of various degrees of criminality, and too often to pass his nights, as well as days, in close contact with the profligate and depraved. Nor is this the case in those gaols only which are generally con-

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sidered to be defective. The day-rooms of the most spacious of our county prisons exhibit these demoralizing associations to a painful extent; and we write advisedly when we assert that there is scarcely a gaol in the kingdom, conducted on the principle of association, to which an untried prisoner, not absolutely depraved, could be committed, for any lengthened period, without deep and permanent injury. This right then of the Untried, to be secured from moral contamination, if not wholly neglected, has been at least greatly undervalued, or very inadequately guarded. But we would submit to your Lordship whether there is any privilege of greater or more undeniable importance to the prisoner himself, or in the observance of which the interest as well as the duty of society is more deeply involved. On the liberation of a prisoner, the corruption which he may have imbibed during confinement spreads its pestiferous influence; and society is thus made to feel the penalty of its own cruelty and neglect. This evil, however, is so generally admitted, that we forbear to enlarge on its character and extent; and the simple question, therefore, which we now submit for your Lordship's consideration is, in what measures the remedy consists?

It has, indeed, been imagined that the propagation of crime during imprisonment could be prevented by a judicious system of classification. Experience has, however, shown the fallacy of all such arrangements, whatever be the principle on which they may be conducted. If the classification be regulated by the nature of the imputed offence, it is certain that, as crimes differing widely in magnitude are classed under general terms, prisoners of every variety of character must necessarily be placed together. Even were this not the case, the absurdity of classification would be apparent from the fact that many who have been before in prison for serious crimes are subsequently charged with minor offences, and are consequently associated, on their commitment, with persons innocent of the imputed crime, and with young and inexperienced offenders. If, again, the classification proceed on an assumed knowledge of character, by what means can such knowledge be attained? By what inquiry, and on what evidence, are we to arrive at the motives, disposition, and habits of the prisoner? Nor, as we have shown, can the object be secured by the adoption of the Silent System, which fails, in a great measure, in preventing communication even when enforced by severe punishments. The mere necessity, however, for these punishments, which exist wherever the System is at all efficient, renders it quite inapplicable to the treatment of the untried.

In our last Annual Report we expressed ourselves strongly in favour of the separate confinement of untried prisoners. We feel

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it our duty to state that further consideration and experience have powerfully contributed to confirm our conviction of its inestimable value. We do not hesitate to declare our firm persuasion that there is no alternative between Separation and Contamination; and that, with certain modifications, which greatly tend to divest the separation of a penal character, this description of prison discipline is admirably adapted to the treatment of prisoners before trial.

The application of the Separate System to the Untried has been opposed on the ground of its presumed severity. It is alleged that the unconvicted are thus placed in solitary confinement, and that but little distinction is observed in the treatment of the innocent and guilty. We beg, in reply, to remark that nothing can be more unfair than to confound the plan of individual separation, with the modifications which we recommend, with the vague and confused ideas which are generally conveyed by the terms "solitary confinement." To remove, at once, this misconception, it is only necessary that we should explain the nature of the imprisonment which is enforced, in the case of the Untried, at those gaols at which the Separate System is in operation. The prisoner is placed in an apartment, at least 10 feet square and 10 feet high; sufficiently large to enable him to take exercise. This apartment is well lighted, ventilated, and warmed: water is laid on: a water-closet is provided; and, in the fitting up, every arrangement is adopted essential to the prisoner's health. To this apartment the prisoner is strictly confined by day and by night; nor is he allowed to leave it at any time, except for the purpose of attending divine worship in chapel. This seclusion, however, is broken by daily and stated visits of the governor, chaplain, surgeon, and other prison officers. The prisoner enjoys the privilege of seeing his friends; he has every facility for consulting with his legal adviser; he may send and receive letters; he is permitted to have unobjectionable books; he may receive suitable articles of food; and he has the option of any employment that can be conveniently furnished to him; he is exempted from all discipline that is calculated to create irritation; he is tempted to commit no violation of prison rules, and he is thus spared the infliction of prison punishments; he is exposed to no quarrels; he is protected from those ruffianly assaults (committed in every other kind of prison) which arise from the tyranny of the strong over the weak; his mind cannot be tainted and demoralized by the relations of the burglar, nor his ears assailed by the language of the blasphemous and obscene. And in what respect can this treatment be considered as an aggravation of the suffering necessarily attendant on his confinement? Whatever tendency the seclusion may have

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to render imprisonment irksome is materially diminished by the visits of officers, by communications with friends, and by manual occupation if the prisoner desire it. Under such circumstances, a prisoner who is inclined industriously to employ himself, will feel less discomfort than under any plan of association and idleness.

The condition of an untried prisoner, under this, or indeed any, system of confinement, is, no doubt, one of considerable privation, and, in many instances, one of actual suffering; but it must always be borne in mind that, in estimating the character of the System of Separation, a comparison is to be instituted, not between a state of imprisonment and that of liberty, but between one mode of confinement and another; and the application of the Separate System to the Untried is to be regarded as harsh or humane, according as the hardships which it inflicts are greater or less than those imposed by the discipline of the Silent System, or by the unrestrained association which prevails in those places where neither the Separate nor the Silent System is in operation.

On a comparison, then, with the Silent System, we think, that hardly two opinions can exist as to the humanity of Separation. The Silent System, while it fails in wholly securing the prisoner from contamination, deprives him of everything like the comfort or enjoyment of society. It imposes rules difficult of observance, which the prisoner is every instant, and even unconsciously, tempted to break; and every violation of which, when detected, is necessarily visited with severity. It is a system which admits of no mitigation; it entirely loses its character and efficacy, unless carried to its full extent and enforced with the utmost rigour. The untried prisoner, therefore, to whom the Silent System is applied, experiences the very hardships, restraints and inflictions which form the main feature in the convict's punishment.

If the System of unrestrained Association, which usually prevails in the case of untried prisoners, be adopted, the suffering is great to any man not lost to every sense of shame or decency. Not only are his ears assailed by the most revolting language, and his feelings outraged by scenes of the most degraded profligacy, but, unless prepared to endure the raillery, insults, and not unfrequently the violence, of his companions, he is compelled to participate in vices from which his nature recoils, and which, on his entrance, he must contemplate with horror. In fact, he is reduced to the alternative of being an accomplice or a victim.

To make a practical comparison of the systems, we would put it to the calm judgments of those who object to Separation, on the ground of its severity, whether, in their own case, or in the case of those in whose welfare they are most interested, (should

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they, by any misfortune, be accused of a crime for which they were required to await a trial), they would not infinitely prefer a System of Separation, mitigated and modified as it is in the case of untried prisoners, and conducted in the manner we have already described, either to the harshness and exposure of the Silent System, or to the degradation and depravity of unrestrained Association.

It is said that, admitting individual separation to be free from objection, still, if the prisoner regards it as a punishment, it ought not to be enforced: the seclusion, therefore, should be optional. In this reasoning we do not concur. We protest against the principle of making the treatment of even an untried prisoner to depend on his own consent. If such reasoning were allowed to operate in the government of gaols, it would follow that a life of habitual depravity would afford an undeniable claim for a continuance of vicious indulgence. If the separation of the Untried be really objectionable, it ought not to be adopted, although a prisoner should desire it. If, on the other hand, the separation be just and beneficial, it ought to be uniformly enforced, however repugnant it may be, in particular instances, to the feelings of a prisoner. If it is for the benefit of the untried prisoner and the general good of society, that he should be kept apart from others, such treatment can only be objected to on the ground of its being a violation of some absolute right, and that the Untried may reasonably demand to be provided with companions during confinement. The absurdity of this doctrine will be apparent upon the slightest consideration. There are many prisons, in the rural districts of the kingdom, in which a single prisoner only is confined for several months. Do we, in such cases, hear of the cruelty and injustice of keeping such persons alone; and are the magistrates bound to prevent the solitude of this confinement, by keeping an officer constantly with the prisoner? That there are, among prisoners before trial, especially in the gaols of the metropolis, many who would prefer association to separation, however partial and mitigated, we readily admit; but, when the characters of such persons are ascertained, it will be found that they are precisely of that class whom it is of the greatest importance to keep individually apart, as well for their own interests as for the welfare of others; and the same principle which, looking to the choice of the prisoner, would allow him the enjoyment of that society which persons of decent habits and respectable character shun, because his previous mode of life has rendered such society an alleviation to his imprisonment, could hardly refuse him those sensual indulgences which long use has rendered habitual, and the withholding of which, however salu-

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tary and beneficial, is to him among the severest inflictions of the prison. We beg, however, to observe, that it is not fair to form an estimate of the prisoners throughout the kingdom by the dissolute habits and degraded character of the inmates of the London gaols; and we feel assured that, although the seclusion might not be acceptable to persons committed for trial, who have been often before in gaol, there are few prisoners not absolutely hardened in crime, especially of those having decent connexions, and committed on suspicion of a light offence, by whom the privilege of being separated from other prisoners would not be readily preferred.

But the advantages of individual separation are not merely of a preventive character. It not only renders corrupt intercourse impracticable, but it affords to the prisoner direct facilities for reflection and self-improvement. In the retirement of his chamber the prisoner is not only cut off from the means of being rendered a worse, but he is placed in a situation in which he may become a better man. He is at least compelled to think. Whether innocent or guilty of the offence with which he is charged, whatever be the nature of his previous habits and character, he has opportunities of promoting his moral and religious welfare, which under such circumstances the best of men would do well to improve. He is furnished with the Scriptures; he is provided with books suitable to his situation; he is visited by a minister of religion; he has the privilege of attending public worship. Nor is the benefit of the System limited to the period of his imprisonment. It is one of its most distinguishing features that no prisoner is permitted to see another prisoner. Those only who are aware of the mischievous effects produced by acquaintanceships formed in gaol, can appreciate the immense benefit of an arrangement by which the power of recognition is prevented when the prisoner returns into society. It is well known that robberies are often planned during confinement, to be executed on the liberation of the parties. Experienced thieves delight, during the hours of imprisonment, in instructing their younger associates in the mysteries of crime, and in strengthening their gangs for the renewal of depredation; while the good intentions of the better-disposed classes on their discharge are often frustrated, and their future criminal career determined, by recognition and the threat of exposure.

But, although Separate confinement, with the modifications which we have described, be a boon and protection to the *Untried*, it becomes, when strictly enforced and divested of all indulgences, the most efficacious and salutary of all punishments for the *Convicted*.

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The convicted prisoner, according to this System, is confined by day and by night in such an apartment as has been described, and fitted up with every convenience essential to ensure ventilation, warmth, cleanliness, and personal exercise. Whatever is necessary to the preservation of the prisoner's health is strictly attended to; but no indulgence, in any shape whatever, is extended to him. The distinctions observed in the treatment of the Untried and Convicted are broad and definite. It has been seen that under this System the Untried are permitted to receive visits from their connexions: the Convicted are prohibited from such intercourse. The Untried may also communicate with their friends by letter: the Convicted have no such privilege. The Untried are allowed to receive food beyond the prison diet: the Convicted are rigorously restricted to the prescribed ration. With the Untried, employment is optional: upon the Convicted a daily task is imposed.

It is alleged that the discipline is unsafe, and unreasonably severe. That it can, however, be enforced without any danger to the prisoner, rests not upon assertion only, but on the evidence of facts. That it operates upon the criminal with more than justifiable severity must necessarily be a matter of opinion, according to the impression which may be entertained of the degree of punishment due to crime. That it subjects the prisoner to privations which are calculated to make him feel forcibly the penalties of guilt, we readily admit; and we scruple not to avow that we regard this severity as one of the excellencies of the System: but that it is of the appalling nature sometimes represented, either abandoning its victim to despair, or consigning a vacant or guilty mind to all the gloomy terrors of unbroken solitude we unhesitatingly deny. The prisoner is visited daily by the governor, as well as by the chaplain and other prison-officers. His labour furnishes employment for his mind; he has access to profitable books; and, in case of illness or sudden emergency, he has the means of making known his wishes to the officers of the prison.

We are totally opposed to those who consider a convicted prisoner as an object of vengeance, or that it is just to inflict upon him any degree of suffering not warranted by law, and not indispensable to his own correction and the well-being of society: but, at the same time, it is necessary to guard against that mistaken humanity which shrinks from the infliction of adequate punishment, and is prone, in its sympathy with the sufferings of the guilty, to forget the evil effects of impunity on others, and that misplaced lenity to the criminal is cruelty to the honest portion of the community. The great and special aim of imprisonment should be to enforce such correction and restraint as shall deter

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the offender from further crime, and impress upon the ill-disposed a strong sense of the penal consequences which certainly attend the violation of the laws: and we believe that the Separate System is the only one which can effectually accomplish these objects, while it subjects the prisoner to no privation not indispensable for the attainment of this end.

How completely imprisonment has hitherto failed to deter is notorious to all who are acquainted with the condition of the gaols in this country. Instead of a feeling of alarm being created in the criminal's breast, he soon begins to view his confinement with comparative indifference; and, notwithstanding the extent to which, in some prisons, the plans of silence and hard labour have been carried, they fail to produce permanently any corresponding sense of dread. The cause is obvious:—so long as prisoners are permitted to associate, the intercourse, however limited, cannot fail to destroy the effect of the strictest discipline that may be enforced; and, however vigilantly silence may be exacted, the mere sight and occasional exchange of thoughts with other prisoners tends altogether to destroy that feeling of loneliness which is the greatest and most judicious of all moral punishments.

The Silent System has no tendency to incline the prisoner to turn his thoughts upon himself, to cherish contrition, to reconsider his life and prospects, nor to estimate the wickedness and unprofitableness of crime: it can give birth to no firm resolution, nor settled determinations of amendment. This salutary power we believe to belong pre-eminently to the plan of individual separation; which, therefore, besides its deterring qualities, is inestimable as an instrument of moral and religious improvement. We have before, in reference to the Untried, adverted to these advantages; but, in relation to the Convicted, their importance is, if possible, enhanced. We are well aware that there are those who consider as wild and visionary any hopes which may be entertained of the reformation of a criminal. We trust that it is unnecessary for us to state that we do not concur in this opinion. We feel assured that in this country little need be urged against a doctrine which regards the convict as an outcast possessing no interests beyond the grave, and worthy of no more consideration than the beasts that perish. If, as we firmly believe, no human being, however guilty, is excluded from the means of repentance and the hope of mercy, we cannot too strongly condemn opinions which appear to us to be opposed to the spirit and precepts of that Divine Being, who "desireth not the death of a sinner, but rather that he should turn from his wickedness and live." We have had some experience of the character of criminals, and are persuaded that there are periods in the lives of even the most hard-

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ened when the mind is awakened to reflection, and the heart overwhelmed with sorrow. In these seasons of sensibility much may be done to eradicate the dominion of vice by the inculcation of Christian principles, and the force of good impressions: and it is the duty of a Christian government to present to every prisoner the means by which instruction may be imparted and repentance cherished. In the quiet of the prison cell—and when humbled by correction—the warnings, promises, and consolations of the Gospel come home to the conscience with redoubled force. There is no feature in the Separate System which more favourably distinguishes it than the facility which it affords to the minister of religion in the discharge of the various duties of his sacred office.

We beg emphatically to state that we are not the advocates of absolute solitary confinement, nor of any plan of imprisonment in which the seclusion of the prisoner shall not be relieved by stated daily visits, by manual occupations, and in which the prisoner shall not possess the means of communicating at any time with the officer of the gaol. Much of the prejudice which exists against the Separate System proceeds from impressions derived from the manner in which solitary confinement (so called) is often enforced in county gaols. In the cases to which we refer prisoners are shut up in cells originally constructed for dormitories, and too small to enable the prisoner to take exercise,—cells which are badly lighted, imperfectly ventilated, in no degree warmed, and destitute of those conveniences which are indispensable to render them fit and healthy habitations by day and by night. We are not surprised that in these cold, contracted, and desolate cells the health of a prisoner should, after the confinement of a few weeks, be found to be impaired; and we protest against any unfavourable inferences being drawn against the plans which we recommend from this species of unmitigated solitary confinement in cells so different in their nature from those contemplated by the Separate System. It was by such an error, and owing to the injurious effects of experiments conducted on partial and defective principles, that the Separate System was for some time retarded in the United States; and yet such cruel and unjustifiable experiments, the fallacy of which has been completely exposed, and the mischievous impressions of which have been wholly removed in America, are now frequently referred to in England in proof of the danger and impracticability of the Separate System.

The opponents of individual separation argue as if it were an untried theory, and appear not to be aware that this discipline has been for several years in practical operation. The System originated in England in the year 1790, and was first enforced at the county gaol at Gloucester. For some time previous, that

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distinguished magistrate, Sir George Paul, had been associated with Sir William Blackstone and Mr. Howard in devising a plan for a National Penitentiary; and the Separate System, as introduced at Gloucester, was adopted as embodying the views which these eminent men entertained of the most efficient System for the management of prisoners. The building was provided with separate cells. Prisoners were confined individually apart day and night, from the hour of their admission to that of their discharge. Those committed for short periods were not provided with employment; while convicts sentenced for longer terms were furnished with labour. Moral and religious instruction was administered in the cell as well as in the chapel. The discipline was enforced at Gloucester for a period of 17 years, and surpassed the most sanguine hopes of its enlightened founder. During this period few, if any, convicts were subjected to a second punishment. As population, however, advanced, the numbers committed so greatly increased beyond the means of separate accommodation, that the discipline was necessarily broken in upon, and at length superseded. The beneficial effects of the System were exhibited, however, up to the period of its being abandoned, by the number of recommitments proceeding almost exclusively from that class who were confined in association.*

But, although from the circumstances stated Separation could no longer be carried into effect at Gloucester, the labours of Sir George Paul proved the practicability and excellence of the discipline; and in the year 1824, when the Magistrates of Glasgow reconstructed the Bridewell of that city, they determined to adopt the Separate System. Since that period the plan has been in full operation at this prison. Here there are 265 cells; those for the men being 9 feet by 7 feet, and 10 feet high; and those for the females 8 feet 6 inches by 7 feet 6 inches, and 7 feet 3 inches high. The ordinary discipline consists in the confinement of each prisoner alone in a cell, day and night, without access to, or communication with, any other prisoner. Labour is furnished. As the cells are not so large as subsequent experience has shown to be desirable for the purpose of affording a sufficient degree of ventilation, and means of exercise, the prisoner is allowed to walk for an hour daily in a corridor, under close inspection; but is never permitted to go into the open air. Although the sentences are in general short, yet prisoners are occasionally subjected to this discipline for a twelvemonth and upwards. The prisoners have sustained no injury in regard to their health; and the best effects have resulted in deterring offenders sentenced for length-

* Report of the Committee of the House of Commons on Gaols, 1819.

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ened terms. It has, in fact, been found that the longer the detention the more beneficial has been the discipline; and if we had no other evidence than that furnished by the experience of the Glasgow Bridewell for a period of thirteen years, we should be justified in pronouncing the plan of Separation to be safe and efficacious.

It was not likely that the advantages of the System, so strikingly exhibited at Glasgow, should be overlooked by the friends to the improvement of prison discipline in the United States. In the state of Pennsylvania, where the subject has long been regarded with deep interest, several enlightened and benevolent characters warmly advocated the superiority of Separation. In Pennsylvania the punishment of death is rare, and transportation is unknown. Penitentiary imprisonment for life is the secondary punishment; and in the case of the more heinous offences it is rigorously enforced. The introduction of the Separate System was, therefore, the more strongly opposed; and loud were the complaints of its cruelty, and predictions of its danger. The most searching inquiries were accordingly instituted with reference to its character and effects. The results of these investigations was the adoption of the System. The Eastern Penitentiary, erected in Philadelphia on the principle of individual separation, was opened in 1829 for the reception of prisoners. The admirable construction and management of this Penitentiary are too well known to justify us in entering into any detailed description of its government; nor shall we advert further to its discipline except to state that it affords irrefragable proofs that individual separation can be enforced for lengthened periods with perfect safety to the mind and health.

There are prisoners who have now been in this Penitentiary for years, during the whole of which period they have been confined alone in their cell, day and night, and cut off from all intercourse with the world, and with their fellow-prisoners; the solitude being mitigated solely by employment and the visits of the prison-officers, and others authorized to inspect the Penitentiary. And what is the result? It appears that, of twenty-six prisoners who have been in confinement for three years and upwards, all are apparently improved rather than otherwise in mind, and decidedly better in bodily health than when they entered the prison; while, in the opinion of those most competent to judge on such a subject, the deterring influence of the discipline has had a powerful effect in preventing crime. The success of this establishment having overcome all opposition in Pennsylvania, a Penitentiary for the Western Division of the State has been built at Pittsburgh, on the same principle. A county gaol for the separate confine-

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ment of the Untried has also been erected in Philadelphia. Other States have followed the example of Pennsylvania. In New Jersey, Rhode Island, and Missouri, Penitentiaries on the separate plan have been erected; while, at New York, where public opinion has hitherto been strongly in favour of the Silent System, the Authorities have lately completed a gaol for the separation of prisoners before trial. We are enabled further to state that, the Legislature of Lower Canada having determined on the erection of a Penitentiary, Commissioners were despatched to the United States for the purpose of ascertaining the most efficient plans of construction and discipline. These gentlemen, after personally examining the various Penitentiaries, have reported in favour of individual separation.

It is a curious fact that some of the strongest testimonies in favour of individual separation may be collected from those who are the best acquainted with the operation of the Silent System. We can assert with confidence that there is not one of the best-conducted prisons, in which the Silent System is effectually enforced, that we have not repeatedly visited and closely inspected; and we can truly state that, with one exception only, the governors of those prisons have acknowledged that, had they to decide upon the merits of the respective plans, they would unquestionably give their unqualified preference to the Separate System.

It affords us great pleasure to refer to another authority, to which we attach great value. In 1834 the Prussian Government, desirous of obtaining full information respecting the American Penitentiaries, commissioned Dr. Julius, a gentleman well known for his distinguished talents and benevolence, and unequalled perhaps in Europe for his knowledge and experience on the subject of Prisons, to proceed for this purpose to the United States. Dr. Julius left Europe with very unfavourable impressions of the Separate System. He has now returned, and the result of his investigation is a conviction that the Silent System is founded on mistaken principles, and is injurious in its effects; that separation can be enforced with perfect safety to the prisoner's mind and health; and that it is the only discipline by which gaols can be rendered instrumental to deter, correct, and reclaim. The testimony of Dr. Julius is of great value, not only from his extensive knowledge of the subject generally, and the extreme caution which marks his character, but because, from his professional eminence, his opinions as to the mental and bodily effects of the System are entitled to peculiar weight. Dr. Julius, who is engaged in preparing his official Report, thus concludes a letter which he has been so good as to address to us:—"Such are the "arguments by which I am led to adopt with you the plan of

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" Separate Confinement by day and night, in preference to the " Silent System with night-cells, wherever a new prison is erected " for convicts, or for prisoners before trial,—a class who ought to " be more carefully preserved from contamination than even con- " victs. These arguments are the result of my observations in " America, and of my subsequent researches; and, although I " went to the New World with a strong bias for the Silent Sys- " tem, yet, after having seen both plans, I must say that I fully " concur in the sentiments expressed in the following letter from " my friend, the Rev. Charles R. Demmé, the respected minister " of the German church at Philadelphia. This gentleman, in " adverting to the first establishment of the Eastern Penitentiary, " observes,—'I then thought that the necessarily attendant evils " ' of this System would be an impaired constitution, brutal in- " ' sensibility, and lethargy, or incessant anxiety, gradually set- " ' tling down to gloomy dejection and melancholy; and that, if " ' the prisoner should be aroused from that state, resentment, " ' malignity, and feelings of revenge on society, would be evinced " ' by a repetition of the offence, or the commission of other crimes " ' of still greater moral turpitude. I watched, therefore, with " ' deep solicitude, the progress of the building; and willingly " ' would I have assisted in taking down every stone, and con- " ' sidered such a task a work of benevolence. When the Sys- " ' tem had been in operation for about six months, I was re- " ' quested to speak to one of the prisoners, a German, who " ' asserted his innocence of the crime for which he was sen- " ' tenced. I went, but with reluctance. Since that time I have " ' been to the prison repeatedly, and, as every opportunity was " ' afforded me of doing so, I conversed with many of the pri- " ' soners. I have, consequently, become better acquainted with " ' the principles of the Institution, and the effects which it has " ' produced:—these communications have changed my senti- " ' ments, and I have since learned to regard the Penitentiary as " ' an institution suggested by the most enlightened and active " ' benevolence, and calculated to produce the happiest results on " ' the moral character and condition of society.' "

In addition to these testimonies, we beg to add that of M. Ducpétiaux, the inspector-general of the prisons in Belgium, who is well known for his able works, and indefatigable labours for the improvement of prisons. This gentleman, some time back, visited England, when he examined every department of the Glasgow Bridewell. On his return home, he made such a report of this establishment as to induce the Belgium Government to adopt the plan of individual separation. An additional wing has accordingly

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been erected, on this principle, at the celebrated National Penitentiary, "the Maison de Force," at Ghent.

Deeply impressed with the great national benefit which the general introduction of the Separate System is calculated to produce, we cannot refrain from expressing our gratification that the application of the System to prisoners before trial has received the sanction of a Select Committee of the House of Commons, appointed to "consider of the expediency of amending the laws relating to prisons." That Committee has reported that "it is expedient to provide for the separate confinement of prisoners committed for trial before the Central Criminal Court;" and although the subsequent recommendations of that Committee, in regard to Newgate, have not been carried into effect, we rejoice to be enabled to state that prisons on the separate plan are likely to be erected in different parts of the kingdom. Among the most gratifying features of the Separate System are its simplicity, and the fact that its efficiency is wholly independent of the size of the gaol or the number of prisoners to which it is applied. No system of prison discipline that has hitherto been devised admits of such uniform application. The dimensions, furniture, and accommodation of a cell being in all cases the same, individual separation may be enforced in every description of prison, if it be but proportioned to the number of its inmates, from the lock-up house to the most extensive penitentiary. The constant detention and employment of a prisoner in his cell removes the many inconveniences which have hitherto rendered small gaols so undesirable. Tread-wheels and other cumbrous machinery for labour are superseded. The duties of the officer are materially diminished and simplified, and a smaller prison establishment is consequently sufficient for all the purposes of inspection and superintendence. The ordinary attendance on a prisoner consists in giving to him his meals, and in visiting him for purposes connected with his labour. In small gaols, where the number of prisoners would not be sufficient to give full employment to a chaplain, the stated visits of a clergyman resident in the town would, in most cases, secure the requisite degree of religious instruction.

In expressing ourselves thus strongly in favour of the Separate System, we beg to assure your Lordship that we are not unmindful of the obstacles by which it is likely to be encountered, and which arise not only from erroneous conceptions, but also from mistaken views of economy. Unquestionably, the peculiarities of the System render it difficult to adapt ordinary prisons to its discipline at a moderate cost. We are far from undervaluing the importance of this consideration. But, although this fact may retard for a time the alteration of many existing gaols, we are satis-

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fied that where a new prison is to be erected, the separate principle of construction would not greatly exceed the expense of building an ordinary gaol, and certainly not to such an extent as to form a solid and reasonable ground for objection. The outlay would not be large when compared with the expense incurred in many counties, with more than prodigal profusion for the establishment of worthless systems; nor great, if we estimate the moral, religious, and political blessings which the general establishment of the Separate System would ensure, and the acknowledged and increasing evils from which that System would deliver us.

Much may, however, be done for the prevention of crime in gaols by the gradual introduction of the principle of separation. The untried form a class which stands more urgently than any other in need of its influence and protection; and, as the advantages of individual separation become known, provision will, we trust, be made in the several county gaols, for keeping prisoners before trial individually apart.

Under any circumstances, we earnestly hope that whenever a new prison is to be erected, or an existing gaol enlarged, the principle of individual separation will be carried into effect.

But it is not in the Gaol alone that the separate confinement of prisoners should be enforced. We are persuaded that, as the importance of individaul separation becomes understood, the more general will be the application of its principle, whatever be the nature of the custody in which prisoners are placed. That there are great and manifold evils arising from the association of untried prisoners, besides those which we have described to exist in ordinary gaols, will be evident if we regard the treatment of a prisoner on his first apprehension up to the period of his committal for trial.

The manner in which prisoners are removed and confined during the periods of holding Assizes and Sessions throughout the country is often highly objectionable. When even the gaol is in the same town with that in which the trials take place, the arrangements are, in most cases, extremely defective. But when, as is the case in nearly every county, Assizes or Sessions are held occasionally at a distance from the gaol, the evil is greatly aggravated, and prisoners are too often (at a period when, if ever, they are entitled to indulgence) subjected to privations which are neither consistent with justice nor humanity. They are usually removed in vans. On their arrival in the Assize or Sessions' town they are lodged either in the town gaol (generally insufficient for its local purposes, and therefore quite incapable of affording the requisite accommodation), or they are placed in apart-

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ments provided in the Shire-hall or Sessions-house. Numbers are thus crowded together in small, damp, cold, and unventilated apartments. Of six rooms of this description, which we lately inspected, and which are appropriated to prisoners at the periods of trial in one of the largest counties in the kingdom, three only had any aperture (and that of the smallest dimensions), while the remaining three had no opening whatever for the admission of light and air. In one of these places, 15 feet by 14 feet 3 inches, and 7 feet 6 inches in height, we were assured by the keeper of the hall that as many as ten or eleven prisoners had been confined a day and a night, and occasionally for longer periods. When it is considered that, during this confinement, the ordinary regulations for the government of prisoners are suspended—that bedding is seldom furnished—that cleanliness is disregarded—that at night the prisoners do not, in most cases, take off their clothes—and that the want of ventilation is rendered yet more oppressive by the use of tubs as substitutes for privies—we submit to your Lordship that imprisonment of this nature, even for twenty-four hours, is treatment to which an untried prisoner ought not to be subjected. Nor are the moral evils of association a less fit subject for reprobation where the conversation and conduct of the prisoners are thus unrestrained by inspection and discipline, and where the young and inexperienced are certain to receive contamination from the vicious and depraved.

We are of opinion that, in the treatment of prisoners, the principle of separation should be universally applied; and that, in the cases now under consideration, separation might be adopted without incurring any considerable expense. The prison van might be fitted up with individual compartments on each side. A sufficient number of separate cells might be provided at the Police-stations, and similar arrangements made at the Shire-halls and Sessions-houses. The separation being required but temporarily, the divisions need be but slight; and, as regards solidity and expense, greatly inferior to the cells necessary to be built in ordinary prisons.

We are aware that it may be said that there are few respectable persons who cannot find bail, and thus avoid many of the evils to which we have felt it our duty to call your Lordship's attention. This is doubtless true, to a certain extent, among the upper and middle ranks of society; but, even of this class, individuals are often committed to gaol, for want of time to make the necessary arrangements for finding sureties. In the humble walks of life, however, the situation of the great majority is such as to render the procuring of bail almost impracticable; while there are thousands of industrious and valuable members of the community who,

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on being charged with crime, have no alternative whatever but to go to prison. In the cases of offences which are not bailable, the most wealthy are not secure, for a single hour, from experiencing, in their own persons, many of the evils which we have pointed out; and, if there be any who are disposed to treat these subjects with indifference, we would remind such persons, in the language of an eminent judge, that "no rank or condition of life, " no uprightness of heart, no prudence or circumspection of con- " duct, should teach any man to conclude that he may not, one " day or other, be deeply interested in these researches."*

We close this part of our Report, strong in the persuasion of the soundness of our views, and convinced that they are sustained not more by argument than by facts and experience. Whatever be the obstacles against which the System will have to contend, we are satisfied that they must eventually yield to the force of discussion, and the power of truth. We earnestly hope, as well for the honour as the interests of the country, that the day that shall witness its general adoption will not be remote. Other nations, less enlightened and powerful, and of less extended resources, at this time engaged in the amendment of their penal institutions, are adopting this effective system of prison discipline. We trust that England will not incur the reproach of being outstripped in the race of social improvement, but that she may be foremost in the advancement of a measure which is not only closely connected with her own interests, but also with the peace, security, and welfare of mankind.

* Sir Michael Foster.

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Postscript relative to the present Condition of Penitentiaries in the United States.

While the preceding sheets were in the press, we have had an opportunity of acquiring very recent intelligence respecting the progress of the Separate and Silent Systems of prison discipline in the United States. Impressed with a sense of the national benefit to be derived from the adoption of an improved plan of prison construction, the French Government, some months since, commissioned M. Blouet, the architect to the government, to proceed to America, for the purpose of examining the principal Penitentiaries in that country. On his arrival, M. Blouet was naturally induced to extend his inquiries, with a view of forming a judgment of the comparative efficacy and advantages of the Separate and Silent Systems. In this investigation he was so fortunate as to be benefited by the assistance of three gentlemen by whom he was accompanied, viz: M. De Metz, Conseiller à la Cour Royale, M. Gustave Davaux, and M. Jean Varel. Following in the footsteps of their eminent countrymen,—M. De Tocqueville and M. De Beaumont,—M. Blouet and his friends narrowly inspected every department of the American Penitentiaries; and, having completed their inquiries, they have within a few days returned to France *viâ* England.

We have had the pleasure of conferring very fully with these gentlemen, and it affords us satisfaction to be enabled to inform your Lordship that the facts which they have collected, and the convictions which have been impressed upon their minds by their researches, are in the highest degree confirmatory of the views of prison discipline which we have advocated in our Report.

The official Report of these gentlemen will, doubtless, soon be presented; but, in the mean time, we cannot refrain from making known a few facts which they have been so obliging as to communicate to us.

It is well known that the Penitentiaries of Auburn and Sing-Sing, in the State of New York, have hitherto been conducted on the Silent System, on principles of extreme severity. It appears, however, that of late this severity has been considerably relaxed. This circumstance is, in a great degree, to be ascribed to the impracticability of continuing to carry on the System by the punishments (severe as they were) by which it has been hitherto enforced. It has been found that the superintendents can no longer persevere in a system of prison government which is continually requiring greater severity and frequency of punishment.

It also appears that, at Wethersfield, where the Silent System

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was formerly conducted with comparative mildness, it has been necessary to resort to extreme severity; such a measure being found indispensable, in order to render the discipline in any degree effective. We particularly beg your Lordship's attention to these facts, which appear to us to prove two points of great importance in illustration of the character of the Silent System. The case of Wethersfield shows that, when not enforced by extreme punishments, the system becomes inefficient; while from the examples of Auburn and Sing-Sing, we learn that even when the System is wrought up to the highest degree of discipline, yet it cannot be maintained, from the necessity of having recourse to still greater severity, and to punishments improper in themselves, and which public opinion would not justify.

We learn, on the other hand, that the Separate System continues to be enforced at the Philadelphia Penitentiary with improving discipline, and marked and undeviating success. Every year's experience at this establishment tends to prove the facility with which its arrangements may be simplified, and to inspire confidence in its high character and satisfactory results. Of the Separate System as enforced in this Penitentiary these gentlemen speak in terms of unqualified approbation. They are convinced that it produces no prejudicial effect upon the mind or health. They have conversed with prisoners who have been confined alone in their respective cells for a period of four years, without leaving them on any occasion; and they are satisfied that the health of such prisoners has not suffered from the seclusion.

These gentlemen return to France with a deep conviction that the Silent System is objectionable and inefficient; and that the means by which alone it can be enforced, are unjustifiably severe. Their impressions are equally strong in favour of the Separate System, which they are satisfied is perfectly safe, and the most rational and efficacious mode which has yet been adopted for the government of prisons.

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